IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO.3189 OF 2004

Joseph Bain D'souza & Ors., ..Petitioners.

V/s.

State of Maharashtra & Ors. ..Respondents.

Mr.Gautam Patel i/b.M/s.Thakore Jariwala & Associates for petitioners.

Mr.J.W.Mattos, A.G.P. for respondent No.1.

Mr.S.S.Pakale with Ms.Trupti Puranik with K.K. Sanghavi for B.M.C.

Mr.Chirag Balsara i/b. Vanita Kakar for applicant J.A.Sathe in Chamber Summons No.300 of 2006.

Mr.A.N.Jakhadi for applicant M.K.Kelkar in Chamber summons No.299 of 2006.

Mr.George Das i/b. Vimadalal & Co. for applicant Property Owners' Association.

Mr.Y.M.Chaudhari for intervenor No.2 M.P.Sanghvi.

Mr.Manoj Thatte for intervenor No.7. Rajaram Tukaram Amkar.

Mr.Dharam Sharma for intervenor No.3 Mumbai Bhadekari Ekta Sangh.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 9TH OCTOBER, 2006.

P.C. :-

This petition was notified before this Bench on 18th September, 2006. Office was directed to issue notice to the parties who have intervened in the Apex

Court. This was as per the directions of the Apex Court. Mr.Patel, learned counsel appearing for the petitioners has tendered a list of 9 parties who were intervenors in the Apex Court, to whom notices have been issued. Out of them, a few have appeared through their counsel. i.e. Shri Jayant Achyut Sathe intervenor No.1 is represented by Mr.Balsara, intervenor No.2 Mansukhal P.Sanghvi is represented by Mr.Y.M.Chaudhari, intervenor No.3 Mumbai Bhadekari Ekta Sangh is represented by Mr.Dharam Sharma and intervenor No.7 Rajaram Tukaram Amkar is represented by Mr.Manoj Thatte. The other intervenors namely intervenor No.4 Chandulal Ratilal Doshi, intervenor No.5 Smt.Kalawati Hanumanbux Goenka, intervenor No.6 Dhirajlal Amichand Shah, Praful Bhagwandas Parikh, Kantilal Prabhudas Mehta, Girjalaxmi Kantilal Mehta and Anupam Land & Housing Co., intervenor No.8 Sagar Mansion Tenants' Association and intervenor No.9 Sharad Tulshiram Sawant have not caused their appearance through their counsel. Mr.Patel however informs that all of them have been sent notices by registered post by the petitioners also. Some of them have been served and acknowledgements have come back; whereas in some cases the packets have come back. He will file affidavit placing this factual aspect on record.

2. One more intervenor Moreshwar K. Kelkar has

taken out Chamber Summons No.299 of 2006. Mr.Patel appearing for the petitioners has no objection to this applicant also being one of the intervenors. Accordingly, we grant this Chamber summons and record that Mr.A.N.Jakhadi is appearing for this intervenor.

3. Thus, some intervenors will have to be informed again, inasmuch as, the matter was notified today for directions. Now, it will be notified for hearing since it has been expedited by the Apex Court and it will be notified on 8th November, 2006 at 3.00 p.m. for hearing. As far as these remaining parties are concerned, the office will once again send notices by registered post informing them that the matter would be appearing for hearing on 8/11/2006 at 3.00 p.m.and it will make a report of service on that day.

4. The petitioners will also serve once again notices to the remaining parties by registered post informing that the matter will be heard on 8/11/2006 at 3.00 p.m.

CHAMBER SUMMONS NO.300 OF 2006

5. Heard Mr.Balsara in support of the chamber

summons taken out by the intervenor Jayant Achyut Sathe. Mr.Patel appearing for the petitioners has no objection to the chamber summons being allowed and the applicant being added as intervenor. Chamber summons is accordingly granted. Applicant will be heard as intervenor in the petition. The affidavit filed in support of the Chamber summons is permitted to be relied upon as affidavit of the applicant in support of the petition.

6. Accordingly, Chamber Summons No.299 of 2006 and Chamber Summons No.300 of 2006 stand disposed of.

7. Petition to come up for hearing on 8/11/2006 at 3.00 p.m.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)